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STATUTORY INSTRUMENTS

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**2013 No. 132**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The NHS Bodies (Transfer of Trust Property) Order 2013**

*Made* - - - - *24th January 2013*  
*Laid before Parliament* *29th January 2013*  
*Coming into force* - - *8th March 2013*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 213, 217(2) and 272(7) and (8) of the National Health Service Act 2006<sup>(1)</sup>, having regard to changes in the functions of NHS bodies other than NHS foundation trusts.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the NHS Bodies (Transfer of Trust Property) Order 2013 and comes into force on 8th March 2013.

(2) In this Order—

“the relevant new Trust” means in relation to any relevant old Trust listed in column 1 of the Schedule (which Schedule has effect), the body which is listed adjacent to it in column 2 of that Schedule;

“the relevant old Trust” means a body listed in column 1 of the Schedule;

“the trust property” means the property specified in a schedule of trust property prepared and agreed by the relevant old Trust and the relevant new Trust and signed on behalf of—

- (a) the relevant old Trust on the date specified in column 3 of the Schedule; and
- (b) the relevant new Trust on the date specified in column 4 of the Schedule.

**Transfer of trust property**

2.—(1) On the date that this Order comes into force the trust property, and any rights and liabilities arising from that property, shall be transferred from the relevant old Trust to the relevant new Trust, in each case listed in Part 1 of the Schedule.

(2) On 1st April 2013, the trust property, and any rights and liabilities arising from that property, shall be transferred from the relevant old Trust, to the relevant new Trust, in each case listed in Part 2 of the Schedule.

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(1) 2006 c. 41. Section 213 was amended by section 55(1) of, and paragraph 109(a) of Schedule 4 to, the Health and Social Care Act 2012 (c. 7) on 1st October 2012 and by paragraph 109(b) on a date to be appointed under that Act.

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(3) Following the transfers in paragraphs (1) and (2), any reference in any instrument relating to the trust property, to the trustees of the trust property or to the relevant old Trust shall be construed as a reference to the relevant new Trust, its property or its trustees (as appropriate).

Signed by authority of the Secretary of State for Health.

24th January 2013

*Earl Howe*  
Parliamentary Under-Secretary of State,  
Department of Health

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## SCHEDULE

Article 1(2)

<i>Relevant old Trust</i>	<i>Relevant new Trust</i>	<i>Date schedule signed by relevant old Trust</i>	<i>Date schedule signed by relevant new Trust</i>
<b>Part 1</b>			
County Durham Primary Care Trust(2)	County Durham and Darlington NHS Foundation Trust(3)	28th November 2012	28th November 2012
Devon Primary Care Trust(4)	Northern Devon Healthcare National Health Service Trust(5)	13th December 2012	12th December 2012
East Lancashire Teaching Primary Care Trust(6)	East Lancashire Hospitals National Health Service Trust(7)	7th December 2012	7th December 2012
Milton Keynes Primary Care Trust(8)	Bedford Hospital National Health Service Trust(9)	10th December 2012	17th December 2012
Surrey Primary Care Trust(10)	Surrey and Borders Partnership NHS Foundation Trust(11)	7th December 2012	14th December 2012
Walsall Teaching Primary Care Trust(12)	Walsall Healthcare National Health Service Trust(13)	17th December 2012	17th December 2012
<b>Part 2</b>			
Barts Health National Health Service Trust(14)	North East London NHS Foundation Trust(15)	5th December 2012	14th December 2012
South Essex Partnership University NHS Foundation Trust(16)	North East London NHS Foundation Trust(17)	4th December 2012	12th December 2012

(2) Established by [S.I. 2006/2072](#), to which there are amendments not relevant to this Order.

(3) Established as an NHS foundation trust with effect from 1st February 2007. See <http://www.monitor-nhsft.gov.uk>.

(4) Established by [S.I. 2006/2072](#), to which there are amendments not relevant to this Order.

(5) Established by [S.I. 1991/109](#).

(6) Established by [S.I. 2006/2072](#), relevant amending instrument is [S.I. 2007/1268](#) which changed the name of the Trust to the East Lancashire Teaching Primary Care Trust.

(7) Established by [S.I. 2002/2073](#), amended by [S.I. 2011/2223](#).

(8) Established by [S.I. 2000/2015](#), amended by [S.I. 2002/1405](#), and [2006/2077](#).

(9) Established by [S.I. 1991/2329](#).

(10) Established by [S.I. 2006/2072](#), to which there are amendments not relevant to this Order.

(11) Authorised as an NHS foundation trust with effect from 1st May 2008. See <http://www.monitor-nhsft.gov.uk>.

(12) Established by [S.I. 2002/894](#), amended by [S.I. 2002/1405](#), [2003/1983](#) which changed the name of the Trust to the Walsall Teaching Primary Care Trust, and [2006/2077](#).

(13) Established by [S.I. 1990/2451](#), amended by [S.I. 2011/791](#) which changed the name of the trust to the Walsall Healthcare National Health Service Trust.

(14) Established by [S.I. 2012/796](#).

(15) Authorised as an NHS Foundation Trust with effect from 1st June 2008. See <http://www.monitor-nhsft.gov.uk>.

(16) Authorised as an NHS foundation trust with effect from 1st May 2006. See <http://www.monitor-nhsft.gov.uk>.

(17) Authorised as an NHS foundation trust with effect from 1st June 2008. See <http://www.monitor-nhsft.gov.uk>.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order transfers to the relevant new NHS bodies property held on trust by the relevant old NHS bodies and makes related provision. Copies of the schedules of trust property transferred under this Order can be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE. A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.